

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	4:04CR3036
)	
Plaintiff,)	MEMORANDUM
vs.)	AND ORDER
)	
BILL LEE SMITH,)	
)	
Defendant.)	

This matter is before the court on a report and recommendation by Magistrate Judge Piester (filing 101) regarding Defendant's pro se motion to suppress and to dismiss (filing 48), Defendant's motion to suppress recorded phone conversations (filing 55), Defendant's motion to dismiss (filing 58), and Defendant's supplemental motion to suppress and to dismiss (filing 95). Pursuant to NECrimR 57.3 and 28 U.S.C. § 636(b)(1), Defendant has filed a statement of objections to the report and recommendation, claiming that the Magistrate Judge erred by finding and concluding that "[Defendant's] Double Jeopardy rights were not violated" and that "'outrageous government conduct' did not occur." (Filing 115.)

I have conducted a de novo review of the record. I find that inasmuch as the Magistrate Judge has fully, carefully, and correctly found the facts and applied the law, Defendant's objections should be denied, the report and recommendation should be adopted, and all of Defendant's motions should be denied.

Accordingly,

IT IS ORDERED that:

- 1) the Magistrate Judge's report and recommendation (filing 101) is adopted;

- 2) Defendant's objections to the report and recommendation (filing 115) are denied;
- 3) Defendant's pro se motion to suppress and to dismiss (filing 48) is denied in all respects;
- 4) Defendant's motion to suppress recorded phone conversations (filing 55) is denied in all respects;
- 5) Defendant's motion to dismiss (filing 58) is denied in all respects; and
- 6). Defendant's supplemental motion to suppress and to dismiss (filing 95) is denied in all respects.

July 20, 2005.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge